

## EXHIBIT "C" TEMPORARY EMPLOYMENT POLICY

### **Section 8. Temporary Employment Policy**

Purpose. The purpose of this policy is to establish the guidelines for the City's employment of temporary employees. The policy is consistent with the City's Guiding Principles, and specifically ensures each person is acknowledged and fairly compensated for his/her contribution to the City. In addition, the policy is established to provide conformance with existing law under the Public Employee Retirement Law (PERL).

The City of Sunnyvale allows the use of temporary employees under the circumstances listed below. Temporary employees shall not be eligible for benefits other than those required by law, and are specifically excluded from City-provided benefits. Temporary employees may be hired through the Department of Human Resources or through a City-approved temporary agency providing employment services. In the later case, these employees are employees of the agency and are not employees of the City of Sunnyvale.

In general, employees may be employed on a temporary basis for up to 6 months full-time, or on a less than full-time basis for up to 1000 paid hours per fiscal year.

This policy addresses only the employment of temporary employees and does not apply to employment of regular employees. Nothing in the policy precludes employment of regular employees working schedules of greater than 20 hours per week. If the proposed work assignment is not covered by this policy, contact the Department of Human Resources to discuss options available.

#### **Subd. 1 Situations Where Use of Temporary Employees is Appropriate.** (Examples, not all inclusive)

Subject to the hours limitations specified below, the use of temporary employees would be appropriate in the following situations:

- Staffing of regular position vacancies during a recruitment, leave of absence, or other similar situations;
- Supplementing approved budgeted position allocations for regular positions during temporary increases in service delivery or workload;
- Pilot projects;
- Casual/Seasonal work;

- On-call, intermittent, emergency, substitute, or other irregular work;
- Pending a re-organizational study.

A. Full-Time Temporary Employment  
(Full-time Seasonal or Limited Term Appointment)

Temporary full-time employment shall be permitted in situations where an appointment does not extend beyond 1000 hours in a fiscal year or six months' duration, whichever comes first.

B. Less Than Full-Time Temporary Employment

- 1) Less than full-time employment may either be temporary (short-term assignment) or ongoing (long-term assignment).

Employment shall be permitted for assignments that, over the course of a fiscal year, average less than 20 hours per week, and do not exceed a total of 1000 hours in a fiscal year.

- 2) On-call, intermittent, emergency, substitute, or other irregular basis.

Employment shall be permitted in these cases, provided total hours do not exceed 1000 hours in a fiscal year.

C. Temporary Hiring of Retirees\*

Temporary full-time or temporary part-time employment of Retirees under the California Public Employment Retirement System (CalPERS) shall be permitted in cases where temporary services are required.

The CalPERS Retiree is limited to 960 hours per calendar year. These hours include periods of time worked for any department in any capacity, and include time worked for any other CalPERS agency in the State of California. *Under no circumstances shall a CalPERS Retiree work more than a total of 960 hours per calendar year or be assigned to the City through a temporary agency.* The Department of Human Resources shall be consulted to determine whether

a temporary employee meets the Retiree criteria, prior to making an offer of employment.

**\*Note: Special requirements apply to those employees who have been disability retired under CalPERS. Please refer employee to the Department of Human Resources, prior to making an offer of employment.**

D. Hiring of Temporary Agency Employees

It is appropriate for departments to utilize temporary agency personnel, when needed or preferred. However, the term of Citywide service by temporary agency employees shall generally not:

- 1) if full time: exceed 1000 hours in a fiscal year or six months' duration, whichever comes first, or
- 2) if less than full-time: exceed 1000 hours in fiscal year, nor average more than 19 hours per week over the course of the fiscal year.

However, there may be other case where temporary agency employment beyond these limitations may be permitted. Approval of the Director of Human Resources is required before employing temporary agency employees beyond the limitations listed above.

The hiring department will perform periodic reviews to ensure compliance and the temporary agency employee must be separated accordingly. *Under no circumstances shall CalPERS Retirees be hired under this category.*

Subd. 2. Concurrent Assignments

Employees may work in concurrent assignments with the City, either as a City temporary employee or under a temporary agency assignment, but not both. Dual employment (City and Agency) for assignments with the City is not permitted; see Subd. 8.

Subd. 3. Requisition Procedures

A. City Temporary Employee

To request a temporary employee through the Department of Human Resources, the hiring department shall submit a Personnel Action Form (PAF), an application completed by the applicant, a brief job description, and a CalPERS declaration form for City temporary categories.

B. Temporary Agency Assignment

To request a temporary assignment through an approved temporary agency, the requesting department shall follow the established procedures pertaining to the agency.

Subd. 4. Monitoring of Hours and Days Worked

The department hiring the temporary employees shall be responsible for monitoring the hours/days actually worked by the temporary employees.

The Department of Human Resources and the temporary placement agency will provide bi-weekly reports of hours worked to assist with such monitoring.

The department using a temporary employee will be notified when the employee has worked 850 hours. This will provide notification that the employee is approaching the 1000-hour limit, and will allow the City to provide adequate notice to the employee that separation from service may be necessary.

It is the intent of this policy to provide temporary employees with an appropriate amount of notice prior to the expiration of their employment with the City.

Subd. 5. Separation/Termination of Temporary Employees

The department using temporary employees shall be responsible for notifying the Department of Human Resources or the temporary agency, if an employee is separating voluntarily or is being terminated by the Department. Some other reasons for separation may be that the employee is no longer needed; the employee has reached the established limit of work hours; or the department is not satisfied with the services and needs a replacement.

Subd. 6. Hours Limitations

The established limit on temporary hours as set forth in Subd. 1 applies to all work periods during one fiscal year in which the employee works on one or several City assignments. The same regulations apply to CalPERS Retirees, except that the hours limitation for CalPERS Retirees is based on a calendar year, not a fiscal year.

The established limits are in accordance with the California Public Employee Retirement System (CalPERS) laws and regulations.

Subd. 7. Transfers Between City and Agency Status Prohibited

Assignment transfers between City employee status and temporary agency employee status in an effort to extend employment beyond the established hours per year limits are not permitted.

Subd. 8. Dual Employment Prohibited

Dual/concurrent employment with the City and the temporary agency for City assignments is not permitted.

Subd. 9. Questions/Answers

- a. May I hire someone full-time for 5 months in a fiscal year and then move them to less than 20 hours per week for the remainder of the year?

Answer: Yes, but only up to the point the employee works 1000 hours in a fiscal year.

- b. May I hire someone full-time for the last 5 months of the fiscal year and then continue employment in the new fiscal year for an additional 5 months full-time?

Answer: No; however, the employee could work full-time for one month of the new fiscal year, up to the maximum of 6 months.

- c. May I hire someone for part-time work (i.e. less than 20 hours per week) for 6 months of the year and then change them to full-time for the remainder of the year?

Answer: Yes, but only up to the point the employee works 1000 hours in the fiscal year.

- d. May I transition the employee back and forth between City payroll and the temporary agency?

Answer: No.

- e. May an employee who has worked three (3) months full-time, has been off payroll for two (2) months, return to work full-time?

Answer: Yes, but only up to the maximum of 1000 in the fiscal year.

- f. Would there be any advantage to moving the employee from City payroll to agency or agency to City payroll?

Answer: No. The hour limits are based on any time worked for the City regardless of the status of the employee, City payroll or agency. In addition, the policy does not permit such assignment transfers.

- g. Does overtime count towards the 1000 hours.

Answer: Yes. All paid hours count towards the 1000 hours.

- h. Do the same limitations to the number of hours that I may employ a temporary City employee also apply to temporary agency employees?

Answer: Yes, generally speaking. One of the underlying reasons for this policy is to ensure that we do not use temporary agency employees to staff regular and ongoing functions of the City where the work is regularly performed more than half time. There are unique circumstances where use of temporary agency employees beyond the hours limitations may be appropriate. It is necessary to receive approval from the Director of Human Resources before using temporary agency personnel beyond the hour limits listed in this policy.

The Department of Human Resources should be consulted if there are any questions related to these procedures.